

**Protection of the environment and the sea through the blue
economy of the European Union law context**

Panagiotis Kalavros

[DOI:10.5281/zenodo.14062949](https://doi.org/10.5281/zenodo.14062949)

Follow this and additional works at:
<https://yeucl.free.nf/index.php/yeucl>

Recommended Citation

Kalavros, P. (2024). Protection of the environment and the sea through the blue economy of the European Union law context. *Yearbook of European Union and Comparative Law*, vol. 3, 730-763, Article 15

Available at:
<https://yeucl.free.nf/index.php/yeucl/issue/current>

This article is brought to you for free and open access by CEIJ. It has been accepted for inclusion in Yearbook of European Union and Comparative Law. For more information, please contact: YEUCLE@usa.com

Protection of the environment and the sea through the blue economy of the European Union law context

[DOI:10.5281/zenodo.14062949](https://doi.org/10.5281/zenodo.14062949)

Panagiotis Kalavros, PhD in European Union law. Lawyer, UK and Greece.

Abstract: This work aims to highlight the attempts of recent years within the European Union in the sector of the blue economy, as a new method of resources and sustainable economy for land and sea sources to protect the environment and the sea. The development of technology, the production methods of a circular blue oriented and green economy consolidate a healthy environment through the sustainable use of resources and above all address climate change. A new ecosystem that will be developed by 2030 to save the planet and above all far from past methods that did not bring the results expected.

Keywords: blue economy; environmental protection; sea protection; green deal; biodiversity; blue oriented; resilience; ecosystem; biodiversity beyond national jurisdiction; circular

economy; blue biotechnology; ocean energy; Sustainable Development Goals (SDGs); Farm to Fork (F2F); European Maritime; Fisheries and Aquaculture Fund (EMFAF); marine habitat; Blue Invest Fund; Forum blue; recovery and resilience facility; green transition; European Regional Development Fund (ERDF); Blue Transition Fund; European Social Funds Plus (ESF+).

Introduction

The blue economy is a new economic model (Morgan, Huang, Voyer, Benzaken, Watanabe, 2022)¹ that has as an objective the protection of the oceans, biodiversity, marine environmental resources and development based on sustainable technology as contribution of actions undertaken within the EU context.

The global level within the European legal space needs to change behavioral models through actions where environmental pollution abandons traditional economic schemes and consolidated production methods are transformed into a blue oriented and green circularity.

It was the EU that took the initiatives to consolidate the sustainable use of resources, essential by addressing climate change given the loss of biodiversity and waste². The blue

¹https://www.un.org/regularprocess/sites/www.un.org.regularprocess/files/rok_part_2.pdf; <https://www.undp.org/publications/blue-economy-community-solutions>;

²United Nations Environment Programme, Global Resources Outlook 2024:

economy is framed within the complex context of the European Green Deal (Sobrino Heredia, 2021; Paleari, 2022)³ which creates within the EU a regulation oriented towards the circular transition. We have seen the relevant proposal from the European Commission and approved by the other EU institutions between the end of 2019 and the beginning of 2020⁴ with the aim of identifying the need for climate change by:

“(...) reconciling the economy with the planet (...) through collective responsibility, no longer optional and procrastinable (Pettifor, 2019; Chiti, 2022) (...). It has established the Commission's commitment to tackling problems related to the climate and the environment placing their defense as a prerequisite and transversal objective of any future EU initiative (...) to promote the transition towards a healthy planet, adapting the social market economy to the new ambitions of the current era (...)”.

The Green Deal⁵ was understood as new evidence of the realization of a basic economic-social objective of a green transition model where blue economy is an integral part of a social equity of sustainability and economic growth for the use of resources. The “Green Pact” laid the foundations for establishing a European economic framework within the

<https://www.unep.org/resources/Global-Resource-Outlook-2024>

3COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS The European Green Deal, COM/2019/640 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

4Conclusions of the European Council of 12 December 2019, EUCO 29/19: <https://data.consilium.europa.eu/doc/document/ST-29-2019-INIT/en/pdf>; European Parliament resolution of 15 January 2020 on the European Green Deal (2019/2956(RSP)), OJ C 270, 7.7.2021, p. 2–20: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020IP0005>

5https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en

principle of sustainable development (Martínez-Vázquez Milùn-García, Valenciano, 2021)⁶.

It is an objective towards European integration according to Art. 11 TFEU (Blanke, Mangiamelli, 2021) and a renewed industrial policy to implement measures that favor decarbonization and climate neutrality by 2050 as a support for a social transition that protects biodiversity and implements circular economy projects⁷.

The Green Deal was presented as an essential way to follow climate neutrality by 2050 so as not to lose biodiversity. It highlighted the current problems of policies promoted by the EU as a sustainable economic model, which fall within activities based on oceans, seas and with results that await in the long term.

The EU seeks to manage the need for a transformation of the consumption and sustainable global production of resources within ways of realizing the consumption of a global sustainable production of resources and with ways achieved within a

⁶SWITCHMED, (2022, June, 10). Blue growth Community, Report 2022, A Circular Blue Economy for the Mediterranean: Current practices and opportunities: <https://www.medwaves-centre.org/wp-content/uploads/2022/06/A-Circular-Blue-Economy-for-the-MediterraneanSwitchMed.pdf>;

⁷CJEU, C-43/10, Prefectural Self-Government of Etoloakarnania and others v. Minister of Environment, Spatial Planning and Public Works and others of 11 September 2012, ECLI:EU:C:2012:560, published in the electronic reports of the cases, which is affirmed that: "(...) the use of the verb "integrate" in Art. 11 TFEU justifies the use of the expression "integration principle" in the specific environmental sector, it must not be overlooked that "connections between the various Union policies are also evident in other sectors and that also with respect to these the need for a policy that is no longer isolated, but of a transversal nature must be recognised (...)".

financial coverage identified *hic et nunc*.

The complex management of marine ecosystem activities has called for the EU to develop ad hoc legislation for the protection of the marine environment, thus differentiating the protection of the mainland.

The challenges for the maritime environment have been addressed as a fairly complex objective that provides a framework where the blue economy⁸ attempts to contribute in a precise and definitive way to the evolution of an ecological, energy transition of forms of blue sustainable development⁹.

The challenge for the EU is important given that it depends on the economic, environmental, social profile for the seas, the oceans within the maritime spaces which are subject to the sovereignty of a jurisdiction for the Member States covering more than 20 million km², as well as a coastline of more than 70000km of the external borders of the EU which is much more than that of the Americans and/or Russia (Sobrino Heredia, Oanta, 2020).

Thus economic activities are connected with the seas, the oceans with an impact on the environment where pollution is visible due to plastic waste, oil spills, microplastics, chemical

⁸https://oceans-and-fisheries.ec.europa.eu/news/eu-blue-economy-report-2024-innovation-and-sustainability-drive-growth-2024-05-30_en

⁹SWITCHMED, (2022, June, 10). Blue growth Community, Report 2022, A Circular Blue Economy for the Mediterranean: Current practices and opportunities: <https://www.medwaves-centre.org/wp-content/uploads/2022/06/A-Circular-Blue-Economy-for-the-MediterraneanSwitchMed.pdf>;

substances and nutrients within a development of the blue economy which presupposes that the European economic policy as a eco-sustainable key considers aquatic ecosystems together with the unlimited resources within the waste deposits that are free.

The maritime environment is responsible within the EU for the management and sustainable use of resources and marine ecosystems to thus promote the relative adaptation to climate change.

The EU was aware of the actions that promote a new circular model of economic, social and environmental development which was based on marine ecosystems thus considering the direct economic benefits where marine biodiversity is the requirement of economic activities for fishing, tourism and of other resources that constitute an opportunity for development and economic growth¹⁰.

Therefore, the EU is aware of the fight against environmental degradation as a guide to the promotion of a concerted policy in the field of the environment and especially in the marine context. The EU plays a role in the international arena, especially, with the treaty for marine atom which is negotiated and later passed as the BBNJ (Biodiversity Beyond National

¹⁰EUROPEAN COMMISSION DIRECTORATE GENERAL FOR MARITIME AFFAIRS AND FISHERIES and JOINT RESEARCH CENTRE (JRC), The European Union Blue Economy Report 2023, 6th Edition: https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/maritime-affairs-and-fisheries_en

Jurisdiction) agreement, signed on 22 September 2023 in New York.

It is an agreement that is part of the UNCLOS¹¹ context to fight climate change, prevent biodiversity, protect marine ecosystems outside national jurisdiction and beyond a large coverage of the oceans (Oanta, Vezzani, Villanueva, 2022).

Perhaps an answer that we must give in relation to the blue economy concerns the extent of environmental policies that are adopted by the EU in the sector that mark an example of a new economic model of a circular and sustainable nature. Thus, the strategic value attributes to the blue economy instruments within the reforms of the green deal in a long-term perspective, as an opportunity that enhances autonomy in the blue dimension sector and in European environmental policies, as a real turning point on the road to European integration and with objectives based on Art. 3 TEU for the well-being of citizens, the protection of the environment, the sustainable development of economic growth for the strengthening of cohesion policies.

Circular and/or blue economy

The blue economy is presented as a sustainability economy (Pauli, 2010) that is similar to the Green Economy but with

¹¹ 198/392/EC: Council Decision of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof, OJ L 179, 23.6.1998, p. 1–2: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31998D0392>

various differential elements (Martens, 2013) given that it is based on biomimicry, i.e. nature, research, the study of biomechanical processes, biological flora and fauna which are aimed at finding existing production techniques to create new ones.

We refer to the green economy as blue economy since the difference between these types of economies is based on the fact that the reduction of carbon dioxide emissions in the blue economy should be zero. Also unlike the green economy, the blue economy does not foresee an increase in investments which presupposes a lower use of relative capital. It is stated that the blue economy economic model moves from investments in the reduction of emissions to investments that use the nature and integration of available technologies to reuse natural resources and increase profitability with other lower investments and greater employment.

The Blue Economy is connected with the notion of Circular Economy¹² used as synonyms and with a precise manner of a circular economy where the forms of economy are identified on an assumption on which they are based, i.e. the need for current behavioral models, traditional economic schemes of economic systems that guarantee eco-sustainability as a single path to environmental pollution.

¹²<https://www.europarl.europa.eu/topics/en/article/20151201STO05603/circular-economy-definition-importance-and-benefits>

The circular economy is contrasted as a traditional economic model where the linear economy is based on a take, make, dispose system as the objective that obtains goods, services and the use of material and immaterial resources from an economic point of view, within the methods of use that exploit the consequences deriving from aspects of important margins.

They are used as synonyms and with a precise manner of a circular economy where the forms of economy are identified on an assumption on which they are based, i.e. the need for current behavioral models, traditional economic schemes of economic systems that guarantee eco-sustainability as a single path of reduction of the environmental pollution. The circular economy is contrasted with the traditional economic model given that the linear economy is based on a take, make, dispose system as the objective that obtains goods, services and the use of material and immaterial resources from an economic point of view.

Instead, the circular economy is oriented towards the awareness of natural resources presenting them in an exhaustible way and not on products. Thus, an economic model is created. It recycles materials and energies that are used for the purpose of:

“(...) addressing the problems of sustainability beyond simple conservation (...) sets itself as its main objective¹³ (...). The circular economy model

¹³Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (Text with EEA relevance), PE/20/2020/INIT, OJ L 198, 22.6.2020, p. 13–43: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32020R0852>: “(...) defines the circular economy as “an economic system in which the value of products, materials and other resources in

currently is represented in a multidimensional (international) dimension, supranational and national, which aspires to the full (but still uncertain) recognition of an autonomous and independent fundamental right to a healthy environment and climate stability included among “third generation” human rights - an ambitious challenge and at the same time an unmissable opportunity for the production system of today's and tomorrow's generations due to the notable implications that derive from it in the triple dimension: economic, social and environmental (...) (Merli, Preziosi, Acampora, 2018). It identifies a sometimes elusive concept such as that of circular economy¹⁴ where the *sedes materiae* within which to bring the equally complex (and less in-depth in doctrine) theme of the Blue economy, is that which sees the circular economy closely related to the principle of environmental sustainability (...)”.

It is thus an interpretative path of an economic system of a new generation that is able to reproduce the cycles of natural life that defines in a self-regenerative way the preservation of a natural heritage where the satisfaction of use and needs is compromised of the new generations as the objective of sustainable development, economic growth and constant and growing attention to technology in the sector¹⁵.

the economy is maintained for as long as possible, improving their efficient use in production and consumption, so as to reduce the environmental impact of their use, minimising waste and the release of hazardous substances at all stages of their life cycle, including through the application of the waste hierarchy (...)”. Commission Delegated Regulation (EU) 2023/2486 of 27 June 2023 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to the sustainable use and protection of water and marine resources, to the transition to a circular economy, to pollution prevention and control, or to the protection and restoration of biodiversity and ecosystems and for determining whether that economic activity causes no significant harm to any of the other environmental objectives and amending Commission Delegated Regulation (EU) 2021/2178 as regards specific public disclosures for those economic activities, C/2023/3851, OJ L, 2023/2486, 21.11.2023: https://eur-lex.europa.eu/eli/reg_del/2023/2486/oj

¹⁴[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2077\(INI\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2077(INI)&l=en)

¹⁵WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, 1987, *Our Common Future*, UN Report A/42/427.

This declination of an economic model of circular economy represents a limit of a real sprint to economic and institutional development where the circularity of a production system serves as a method of not polluting in a functional way the protection of ecosystems implying in itself a change of environmental protection within changes in the use of natural resources for waste management and the life cycle of goods.

The key element of the ecological transition for the EU are the commitments to respect pre-established objectives, substantial for production methods within a circular vision that preserves the protection of the environment which does not hinder and favors the production of economic growth through elimination and reduction of resource consumption and reduction of global production.

As a conclusion, a sustainable ecosystem of growth is created where carbon dioxide emissions bring about technological innovation and the transformation of the new use of waste as a sustainable use of ocean resources towards economic growth for the improvement of livelihoods, employment, the health of the ocean ecosystem¹⁶. It is a model for the functioning of nature, the production of certain mechanisms that contribute to the improvement of production techniques, transformation in the

¹⁶WORLD BANK, (6 June 2017). What is the Blue Economy?. World Bank: <https://www.worldbank.org/en/news/infographic/2017/06/06/blue-economy>

economic and social environmental sphere.

Thus, the blue economy of the EU is part of the types of activities that are based on the oceans, seas, coasts and the marine environment. Fish products and off-shore renewable energy production derive from wind power, tidal and floating solar systems, on land, shipyards and coastal infrastructures. Each activity stands out in a consolidated way to emerging sectors and development innovation which characterizes the preservation of biodiversity landscapes that attract investments for tourism, i.e. the economy itself.

This sector includes the category of the so-called emerging sectors-ocean energy and blue biotechnology where marine renewable energies include offshore wind farms, marine mineral extraction such as biotechnology, desalination for industrial and civil purposes, defence, security marine, research, investigation and education in the field of submarine cables and especially robotics.

Thus, the blue economy is circulated in the maritime sector in a circular way as a radical renewal in the sector of multiplicity of interventions such as the design of fishing gear, within the recycling of ships, in the dismantling of offshore oil and gas platforms through a revision of the regulation on the recycling of ships up to the valorisation and reuse of waste¹⁷. The

¹⁷Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC text with EEA relevance, OJ L 330,

development of policy initiatives that are promoted within the EU and in the context of green deals are also in line with the approach of the sustainable blue economy for oceans and coastal resources.

Towards the green deal

The European institutions have shown a certain commitment in recent years in the field of environmental protection in order to achieve relative climate neutrality by 2050, which mainly concerns gas emissions, the greenhouse effect and coordination for environmental policies, social, economic for the sustainability, well-being and economic growth of the EU itself (Dhont, 2003).

This type of environmental awareness within a single, balanced market, functional for the interests of European citizens does not ignore the consideration of needs in environmental protection, the promotion of sustainable development, where the valorisation of the environmental dimension constitutes an interdependence of transversal environmental policies. The modern, green, effective and competitive economy has adopted a series of acts leading to the European green deal and the 2030 agency of the United Nations¹⁸, which puts international

10.12.2013, p. 1–20: <https://eur-lex.europa.eu/eli/reg/2013/1257/oj>

18Resolution A/RES/70/1 of 2 September 2015: <https://documents.un.org/doc/undoc/gen/n15/291/89/pdf/n1529189.pdf?token=fJ0dhOqwVLI00yW5TR&fe=true>

thinking in European eco-sustainable economic policy at the forefront to achieve an ecological transition, which has achieved its climate protection objectives between 2030 and 2050.

The protection of the environment is connected with the protection of the oceans, seas and coasts at a primary level in the Union. The blue economy regulates the protection of water as an expression that intends for the protection of marine environments.

The adoption of the green deal through the European Commission and its communication on 21 May 2021¹⁹ has put on the table the actions, precise financing, research, development, innovative technologies, a blue dimension to promote the sustainable blue economy that works in a way that is ensured for a green, inclusive recovery that achieves the objectives of the ecological transition and port activities.

This reduces the environmental and climate impact to address the environmental crisis of biodiversity, the health of the seas, own resources and alternatives to fossil fuels and traditional food production.

The main objectives set by the green deal and climate neutrality concern zero pollution, communication with reference to

¹⁹COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on a new approach for a sustainable blue economy in the EU Transforming the EU's Blue Economy for a Sustainable Future. COM/2021/240 final:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A240%3AFIN>

development, offshore renewable energy, the increase in the capacity of the EU from 12GW to 300GE and beyond by 2050, decarbonization of maritime transport and protection of ports, thus increasing coastal zones for climate change and ensuring sustainable food production and improving management for maritime space.

The effective transition towards a sustainable blue economy is essential for coherence of action in all sectors of the blue economy, investments in research, development, innovative technologies, energy, algae production, a bioeconomy capable of transforming algae, fish waste into low-carbon plastic, innovative tools for fishing, the restoration of marine ecosystems that contribute to the creation of green business job opportunities and within the maritime economy. Thus the green deal has the objective of reducing 90% of greenhouse gas emissions for modes of transport, maritime transport where the European Commission has deemed it indispensable for sustainable maritime mobility.

Thus we are also witnessing a global trade system²⁰ according to the communication of 9 December 2020 for a sustainable and intelligent mobility strategy²¹ where the placing on the market of

²⁰EUROPEAN COMMISSION, PUBLICATIONS OFFICE OF THE EUROPEAN UNION, Facts and Figures on the Common Fisheries Policy. Basic statistical data, Luxembourg, 2020, 1-48.

²¹COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Sustainable and Smart

ocean-going ships and zero emissions by 2030 for maritime transport articulate the measures based on the extension of a system of trading of the Union's emission quotas in energy and climate.

The European executive also plays an important role for ports, where transshipment and logistics operations are transformed into energy-level hubs and emulate the circular economy through communications in the industry sector and thus improving the conditions of work and life of the surrounding communities.

The blue economy is a European project that is functional within the climate context for the reduction of gas emissions to achieve climate neutrality which will achieve the adoption of precise financing for an ecological transition according to art. 7, as the objective of agenda of the UN 2030 (Affordable and clean energy).

This is an impact to the actions that fall within the blue economy. The European Commission with a mix of sustainable ocean energy, floating wind energy, thermal energy, motion energy waves and seas, forms the objectives established by 2050, that is, an energy requirement for the EU through wind energy plants, as energy hubs²².

Mobility Strategy – putting European transport on track for the future. COM/2020/789 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0789>

22COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL

The approach for the sustainable blue economy of the Union is accompanied by maritime and fisheries affairs as also underlined by the EU Commissioner for the Environment Virginijus Sinkevičius stating that it is an:

“(…), opportunity to start again from scratch, and we want to ensure that the recovery distances itself from simple exploitation and puts sustainability and resilience at the center (…) truly green, we must also think blue (...). No Green Deal without the oceans, no green recovery without the blue economy (...)”²³.

The UN 2030 Agenda in cooperation with the EU strategies in biodiversity

For yet another time we see that the EU collaborates and cooperates at an international level with the Sustainable Development Goals (SDGs)²⁴ which are part of the UN 2030 Agenda (Milios, 2018)²⁵. A link between the blue economy and the EU biodiversity strategy 2030²⁶ was presented by the EU in

COMMITTEE AND THE COMMITTEE OF THE REGIONS An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future. COM/2020/741 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A741%3AFIN>

²³Statement by Commissioner Virginijus Sinkevičius on a new approach for a sustainable blue economy in the EU: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_2524

²⁴<https://sdgs.un.org/goals>

²⁵COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Closing the loop - An EU action plan for the Circular Economy. COM/2015/0614 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0614>

²⁶COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Biodiversity

May 2020, as an element for the green deal.

The EU biodiversity strategy for 2030 is committed to precise actions, i.e. to achieve by 2030 a network of protected areas within the scope of the EU on land and sea. It is a project for the restoration of degraded ecosystems across the EU and for sustainable management through the elimination of key factors for the loss of biodiversity by 2030.

These are measures that allow the necessary change of a transformative nature within a public and corporate decision-making process, as measures that address the challenge of biodiversity not at a European but at a global level.

Marine biodiversity, the conservation of marine ecosystems, the restoration of maintenance for growth and the numerous economic activities for fishing and tourism represent an opportunity for an economic environment that puts resources to greater use in the sustainable maritime economy sector.

The EU adopts effective governance that actively involves the provision of economic incentives to monitor, evaluate technological development and thus implement precise legal instruments within the spirit of the United Nations SDGs.

The Goal 14 (Life below water) is the most important point for the blue economy, which defines resilience for the oceans and seas as an objective for economic development to protect the

Strategy for 2030 Bringing nature back into our lives. COM/2020/380 final:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0380>

environment with a long-term approach. The blue economy is a form of business. It is a usual model through the identification of a balance for the protection of the health of oceans, the seas at a domestic and global level.

The SDGs through a link between the blue economy and the objective 12, i.e. the Responsible Consumption and Production, it presents itself within the blue economy as a service in a guise that supplies the activities within the impact of ecosystems that favors the awareness of a supply, which involves an impact on ecosystems for new styles of sustainable consumption and production to encourage the diffusion of producer and consumer practices.

The EU Biodiversity Strategy of 2030 formed within the context of actions for the EU Green Deal and the Farm to Fork (F2F) strategy²⁷. It is a plan that guides the transition to a healthy food system that respects the environment and characterizes measures, objectives involving the food supply chain relating to the environment for forecasting, measures and objectives relating to consumption and distribution. It presents itself as a strategy that involves the actors of the food chain through interventions in the field of water for example, which valorise

²⁷COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system. COM/2020/381 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0381>; https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en

marine raw materials as by-products for the bioeconomy.

We have the communication from the European Commission of the 15 November 2022²⁸, which exploits the bases the Union has in their hands, i.e. algae, as an engine for sustainability and the blue economy.

This is a pioneering initiative that seeks to unlock the potential in the algae cultivation sector in the seas of the EU through various actions to create the development opportunity for a production chain dedicated to algae. The EU at an embryonic and revolutionary stage of development evolves sustainability and regeneration to respond to EU's challenges, addressing the search for safe as well as healthy and sustainable food sources for human and animal nutrition, the needs for climate change mitigation with systems to reduce carbon emissions²⁹, such as food security through the limitation of impacts relating to agriculture, discharges for purification for terrestrial and aquatic ecosystems³⁰.

²⁸COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Towards a Strong and Sustainable EU Algae Sector. COM/2022/592 final: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2022%3A592%3AFIN>

²⁹COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change. COM/2021/82 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A82%3AFIN>

³⁰Kuech, A., Breuer, M., Popescu, I., Research for PECH Committee. The future of the EU algae sector. European Parliament, Policy Department for Structural and Cohesion Policies, Brussels, 2023:

Protection of marine ecosystems, sustainable and resilient fishing

Protecting biodiversity is a reality as climate change also causes damages to the marine environment and to fisheries. It is an activity that builds the Union with sources of food sustenance, thus guaranteeing fishing, sustainable management of fish stocks and a constant erosion of marine ecosystems that threaten climate change, non-sustainable or illegal and certainly not regulated fishing.

In particular, the European Commission Communication on 21 February 2023 attempted to outline an Action Plan to protect, restore marine ecosystems for resilient and sustainable fishing³¹, an economic and social action plan such as that of the biodiversity strategy of 2030, as a strategy of the Union according to climate change and the Farm to Fork strategy.

Thus, the commitment to the Union strategy is to protect approximately 30% of European seas, even in a rigorous manner, an action plan that focuses specifically on marine areas that protect fisheries management that contribute to the

[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733114/IPOL_STU\(2023\)733114_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733114/IPOL_STU(2023)733114_EN.pdf)

³¹COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Action Plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries. COM/2023/102 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023DC0102>

management of fisheries and the related seabed habitat to thus restore biodiversity.

Highlighting the objectives of the European strategy represent the need to make fishing sustainable and above all to highlight the conduct connected to human activities of maritime transport, the tourism, energy production, the industry of agricultural practices as forms of pollution that create serious problems for marine ecosystems and fish stocks.

This limits the catches which have the objective of guaranteeing fishing in a selective way, as well as the fishermen of the target species which limits the sizes in a quantitative and decisive way. The European Commission hoped for a typology of fishing for protected areas for Member States by 2030, encouraging and supporting the relevant communities for fishermen in blue transitions, thus using the aid that is available for the instruments relating to the financing of the Union and with reference to supporting innovation of economic activities such as energy transition and selectivity of fishing gear.

The European Commission supported projects that were aimed at developing the skills of a new generation of the blue economy for sustainable employment opportunities in the maritime sector. The action plan within the European executive moves from the premise that:

“(…) EU legislation on fisheries and the environment is only effective if implemented effectively. Member States must intervene to implement, monitor and enforce the rules and the Commission, for its part, must check that Member States comply with them (...) the recent regulation on controls in the fisheries sector³² which will have to be constantly updated and supported by a more modern and effective monitoring system to support the transition towards more sustainable fishing (...) hopes for the use of innovative tools such as remote electronic monitoring and the implementation of the system for recording and reporting catches of sensitive species (...)”.

Thus they are identified within the framework directive for strategy and the marine environment³³, moving beyond the limits of simple communication to the improvement of monitoring actions to pursue the directive which has adopted a relevant document by 2024 to guide Natura 2000³⁴ and fisheries referring to the European Parliament, the Council, the Economic and Social Committee up to the Committee of the Regions regarding the implementation analyzed as an action plan.

³²Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control. PE/38/2023/REV/1. OJ L, 2023/2842, 20.12.2023: <https://eur-lex.europa.eu/eli/reg/2023/2842/oj>

³³Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance). OJ L 164, 25.6.2008, p. 19–40: <https://eur-lex.europa.eu/eli/dir/2008/56/oj>

³⁴Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. OJ L 103, 25.4.1979, p. 1–18: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31979L0409>; Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>

The Blue Economy through financial implementation tools

A direction of the blue economy towards a synergy of public and private investments, as a direction from the European Maritime, Fisheries and Aquaculture Fund (EMFAF) for the period 2021-2027³⁵, is a step that supports the common fisheries policy, maritime policy as well as the agenda of the Union for international governance for the oceans, the innovation of a sustainable blue economy with attention to coastal fisheries and the promotion of sustainable aquaculture to facilitate access to finance for applicants³⁶.

This is a fund that makes the dimensions in the fishing sector available to the Union as a domestic, regional and European co-financing program.

In particular, the European Maritime Affairs Fund was called upon to manage an investment fund for BlueInvest³⁷ and the

³⁵Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. PE/47/2021/INIT. OJ L 231, 30.6.2021, p. 159–706: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060>

³⁶Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. PE/47/2021/INIT. OJ L 231, 30.6.2021, op. cit.

³⁷https://maritime-forum.ec.europa.eu/theme/investments/blueinvest_en

Blue Forum which is used by sea users, thus encouraging and coordinating dialogue for operators in the offshore sector as stakeholders for scientists, those involved in various sectors of the blue economy, thus stimulating cooperative exchange, constructive for the sustainable use of the marine habitat.

The BlueInvest Fund allows the provision of equity funds underlying Blue Horizon Ventures; Ocean 14; Sofinnova Partners; Astanor Ventures; Sarsia which aim to help the innovative blue economy. Thus, investments of approximately 300 million euros as equity financing support SMEs and start-ups such as innovative products, materials and services contribute to the conservation of oceans and the sustainability of the blue economy.

The Fund via the BlueInves platform is a starting point from the European Commission launched in 2019 and with the ultimate goal of developing technologies such as ocean-based solutions in order to unlock investment innovation for the sustainable blue economy.

We recall the report for investors³⁸, the BlueInvest 2024 which highlighted an investment ecosystem for the innovation of the blue economy within investments in a sector that has increased for the period between 2018-2023. It deals with programs that

³⁸INVESTOR REPORT: UNLOCKING THE POTENTIAL OF THE BLUE ECONOMY, 2024:
https://blueinvest-community.converve.io/upload/fck/file/Report_Blue_Invest_FINA_L_7march-compressed.pdf

move forward with investments in non-European countries such as in early-stage equity, i.e. bonds and grants that confirm the companies of the Union as business opportunities that are capable for investors from other countries.

The BlueInvest pilot project, as part of the InvestEU Blue Economy and as an equity fund which was first reported in March 2022, was based on a mobilization of around 500 million from the Union fund which aims to unify the EMFAF³⁹, i.e. the EIB group and the financing of the InvestEU⁴⁰ which translates into approximately 1.5 billion euros of risk financing for financial intermediaries made available for start-ups operating in the blue economy sector.

The sustainable blue economy transition has allowed the European Commission and Member States to include investments within their respective resilience plans and operational programs for various funds of the Union until 2027. Thus, funding from the EMFAF is combined with other funding from a general budget of the Union where cohesion policy funds and the ESF+ attributes to human capital skills, as well as LIFE for the protection of aquatic environments; the Horizon Europe, as a new Mission Ocean instrument that offers the opportunity

³⁹https://oceans-and-fisheries.ec.europa.eu/funding/emfaf_en

⁴⁰Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017. PE/74/2020/REV/1. OJ L 107, 26.3.2021, p. 30–89: <https://eur-lex.europa.eu/eli/reg/2021/523/oj>

for synergies and InvestEU as a support for financial products that are used for the blue economy.

The Recovery and Resilience Facility⁴¹ is added as well as sectors of economic activity which include the blue economy providing thus the opportunity for developing the various innovative business models.

The European Commission has also created the European Blue Forum as a meeting for stakeholders at a pan-European level operating in the sector of the blue economy, having as its objective a moderate discuss for the sea by offshore operators and committed scientists in fishing. They are setting priorities in the medium term and find synergies for solutions of a common, innovative vision with specific benefits for public health, well-being and quality of life of the EU citizens⁴².

Conclusions

The EU in recent years has followed a path of innovation in the blue economy sector, as a driver for a green transition in the marine sector, the environment against any global challenge related to the fight for political changes, the need for a process of ecological transition towards a circular economy for an eco-

⁴¹https://commission.europa.eu/business-economy-euro/economic-recovery/recovery-and-resilience-facility_en

⁴²Forum Blu (Collaboration, Knowledge sharing, Policy coherence, Facilitate the interactions between sea users e Empowerment): <https://maritime-spatial-planning.ec.europa.eu/european-blue-forum>

sustainable society.

The green deal has recognized and highlighted anomalies due to the insufficiency of results that are obtained from a development model promoted towards criticism of an action plan aimed at the green and blue key through a multiplicity of regulatory and financial interventions in the sector.

The approach that respected the circular economy was emerged through the European Commission and the European Parliament in recent years of a political, operational commitment at a global level to a linear transition economy and towards a transition economic model.

The actions taken by the Union within the context of the blue and the green deal strategy include a step forward towards the integration of an economy that makes the management of oceans and seas at a sustainable level. Thus, the elements for the circular transition represent objectives for a transition of a circular nature which extends to areas in force, given the forecasts adopted by a regulation which does not necessarily listen to economic growth but which ensures the levels of development, well-being linked to the resources that enhances, conceives, creates, uses the circulation of goods, services in a direct and indirect way towards properties that does not degrade waste in a useless way.

The Union recognizes and precisely attributes the concept of circular autonomy, which operates at an embryonic stage notwithstanding the scenarios of exit from ambitious long-term objectives set by the green and blue economy because are uncertain at a domestic level due to concomitant factors.

Through non-binding acts and in limited sectors⁴³, the relevant provisions for primary law which protects the fundamental rights as a common good and as a service of general economic interest are missing.

The jurisprudence of the Court of Justice of the European Union (CJEU) is unequivocally connected with the circular, the green and the blue economy.

The roots for the protection of the environment come to have a collective interest which is affirmed in an autonomous subjective right of the environment which is part of the third generation human rights that are in favor for the application of a balancing technique for interests worthy of protection⁴⁴ which

⁴³Directive 2004/3/EC of the European Parliament and of the Council of 11 February 2004 amending Council Directives 70/156/EEC and 80/1268/EEC as regards the measurement of carbon dioxide emissions and fuel consumption of N1 vehicles (Text with EEA relevance). OJ L 49, 19.2.2004, p. 36–41: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0003>

⁴⁴CJEU, conclusions of the Advocate General Kokott in joined cases: C-626/15 and C-659/16, Commission v. Council of 31 May 2018, ECLI:EU:C:2018:362, published in the electronic reports of the cases, which is affirmed that: “(...) an act adopted by the European institutions in compliance with the obligation to integrate environmental issues “cannot be considered part of environmental policy for the mere fact that it takes into account the needs connected with environmental protection, as should always happen pursuant to Article 11 TFEU (...) which would contain a mere linking clause (...)”.

are oriented within the existence of an individual right to individuals who limit themselves to a green interpretation of existing rights⁴⁵.

In the past, Poland did not want to participate in the green deal and the opting out clause as a unanimous exemption that is foreseen for the climate and to avoid a situation that creates obstacles along the way. Circumstances that show that the Union is now weakened in the sector. Additionally, the fundamental choices for the future repeat the adoption of precise legislation on the blue economy, which creates obstacles to a European transition path towards an eco-sustainable level.

At a primitive stage, the circular and blue economy also examines, controls and evaluates the financial coverage for the success of new strategies, which are linked to an economic commitment within the framework of limited existing funds, i.e. due to an excessive reliance on private and public co-financing solutions.

Consequently, the green deal and domestic, regional co-financing have fueled the transfer of funds for regional and social development such as the European Regional and Development Fund (ERDF)⁴⁶ and the European Social Funds Plus (ESF+)⁴⁷ to cohesion policies with the mindset that they

⁴⁵CJEU, C-236/92, Cava of 23 February 1994, ECLI:EU:C:1994:60, I-00483.

⁴⁶<https://www.europarl.europa.eu/factsheets/en/sheet/95/il-fondo-europeo-di-sviluppo-regionale-fesr->

⁴⁷<https://european-social-fund-plus.ec.europa.eu/en/what-esf>

reduce the socio-economic differences in European regions which are characterized by slow growth and often are without any concrete sufficiency.

The risk of reducing resources represents a damage to the economic fabric. Resources guaranteed by the funds of the transition of the blue economy, i.e. the EMFAF, BlueInvest and the desirable Blue Transition Fund⁴⁸ which correspond to the support of the Union to citizens of a transition process. Thus, the Union corrects day after day the difficulties arising for the green transition and allows new opportunities to move from fragmented actions to climate change problems of a complex management of activities impacting a marine ecosystem.

Changes in the management and activities of the economic sectors are represented at a turning point towards the sector of European integration. The green deal through the actions of the Union and in the sector of the blue economy represent an action for the direction of an economic, social, environmental model by providing irreversible degradation to the ecosystem as objectives of the Union where the climate neutrality of a circular economy, biodiversity, adaptation to climate change, the resilience of coastal areas produce a sustainable diet.

Overall, the terms for the blue economy are still new and evolving and are developing in a necessary and concentrated

⁴⁸<https://projects.research-and-innovation.ec.europa.eu/en/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe/eu-missions-horizon-europe/restore-our-ocean-and-waters/just-transition-fund>

way through investments in a European context of extreme competitiveness, efficiency, sustainability which adequately addresses today's and future environmental challenges, thus maintaining and strengthening the status of an economic power not only at a European but also a global level.

References

- Blanke, H.J., Mangiamelli, S. (2021). *Treaty on the Functioning of the European Union. A commentary*. ed. Springer, Berlin.
- Chiti, E. (2022). Managing the ecological transition of the EU: The European Green Deal as a regulatory process. *Common Market Law Review*, 59, 22ss.
- Dhondt, N.L.D. (2003). *Integration of environmental protection into other EC policies. Legal Theory and Practice*. Europa Law Publishing, Groningen.
- Martens, P. (2013). *Grey, green or blue economy? It's sustainability, stupid!*. University of Maastricht, Sustainable learning:
<https://greenleafpublishing.wordpress.com/2013/03/21/grey-green-or-blue-economy-its-sustainability-stupid/>
- Martínez-Vázquez R.M., Milùn-García, J., Valenciano, J. (2021, May, 17). Challenges of the blue economy: evidence and research trends. *Environmental Sciences Europe*, 33 (1), 2ss.
- Merli, R., Preziosi, M., Acampora, A. (2018). How do scholars approach the circular economy? A systematic literature review. *Journal of Cleaner Production*, 178, 704ss.
- Milios, L. (2018). Advancing to a circular economy: Three essential ingredients for a comprehensive policy mix. *Sustainability Science*, 13, 861-878.
- Morgan, P.J., Huang, M.C., Voyer, M., Benzaken, D.,

Watanabe, A. (2022). *Blue economy and Blue finance toward sustainable development and ocean governance*: Asian Development Bank Institute: <https://www.adb.org/sites/default/files/publication/812076/blue-economy-and-blue-finance-web.pdf>

Oanta, G.A., Vezzani, S., Villanueva, A.V. (2022). *El desarrollo del Derecho del mar desde una perspectiva argentina y europea*. ed. Dykinson, Barcelona.

Paleari, S. (2022). The impact of the European green deal on EU environmental policy. *The Journal of Environment & Development*, 31 (2), 198ss.

Pauli, G. (2010). *Blue economy*. Paradigm Publications, Boulder

Pettifor, A. (2019). *The case for the Green New Deal*. Verso books, London-New York, 32ss.

Sobrinho Heredia, J.M. (2021). La Política Marítima Integrada se tiñe de verde: la dimensión oceánica del Pacto Verde Europeo. In F. Fernández Prol (coord.). *Pesca marítima y crecimiento sostenible: Análisis en clave jurídica*. ed. Bosch, Barcelona, 24ss.

Sobrinho Heredia, J.M., Oanta, G.A. (coords.). (2020). *La construcción jurídica de un espacio marítimo común europeo*. Bosch Editor, Barcelona, 31ss.